IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 58 OF 2000.

The State of Maharashtra. ... Applicant.
Versus.
Mohammad Fahmid Khalil Ahmed Qureshi. ... Respondent.

Ms.M.M.Deshmukh, A.P.P.for the Applicant.

CORAM : ABHAY S. OKA, J.

DATED : 5th July, 2005.

P.C.:

1. Heard the learned A.P.P. for the State. None appears for the Respondent. The challenge in this Revision Application is to the Judgment and Order dated 11th October 1999 passed by the learned Additional Sessions Judge, Mumbai. By the said order the learned Additional Sessions Judge has quashed and set aside the order dated 10th November 1998 directing the recovery of the sum of Rs.10,000/- from the Respondent.

2. After having heard the learned A.P.P. for the State, I find no infirmity in the impugned Judgment and order. The learned Addl.Sessions Judge has noted that a submission was made before him that the order dated 10th November 1998 was passed by invoking the powers under section 446(5) of the Code of Criminal Procedure, 1973. The learned Addl.Sessions Judge rightly held that the power under the said provision can be exercised only if

the trial results in conviction in case of requisite offences. In the present case, the allegation of the State is that certain offences have been registered against the Respondent but the Respondent has not been convicted.

3. there is no merit in the Revision Application. The same is dismissed.

Judge.